

concave top surface of said bowl to contact said downward concave top surface of said base first, whereby a stabilizing said stand assembly, preventing said bowl from rocking on said base; and

said downward concave top surface of said base extends out and beyond said downward concave top surface of said bowl.

29. (Currently amended from above) The stand assembly of ~~claim 18~~ claim 31, wherein:

said base has a downwardly and outwardly sloping outer rim wall, said downwardly and outwardly sloping outer rim wall has a return lip, whereby said return lip allows said base with said bowl, said pot, and the tree to slide along a floor repositioning the tree and capturing any spilled water with said return lip;

said outer return lip further has an upward turned flange defined thereon, said upward turned flange is distally positioned from said downwardly and outwardly sloping wall of said base creating a trough therebetween, said trough being adapted to entrap liquid spilled from said bowl.

30. (Currently amended from above) The stand assembly of ~~claim 18~~ claim 31, wherein:

said pot, said cover, said bowl, and said base all have sufficient draft to allow each component to be stacked atop itself, whereby there is reducing shipping volume and reduced costs of shipping, storage and floor space.

RESPONSE TO EXAMINER'S REJECTIONS

Claim rejections under 35 USC §112, Second Paragraph

Applicant believes that the Examiner's objections under 35 USC §112, Second Paragraph have been corrected in the preamble of new Claim 31 by identifying the tree as a workpiece, not as a positive element of the invention.

Claim Rejections under 35 USC § 103 (a)

The Examiner has rejected Claims 1-13 under 35 USC 103(a) as being unpatentable over Welzen (Patent Number 6,010,108) in view of St. George Syms (Patent Number 4,261,138).

Claims 18,20,21,28,29 and 30 are rejected under 35 USC 103(a) as being unpatentable over Welzen in view of Sofy et al (Pat. No. 6,357,173). The Examiner claims that the patent to Welzen shows a pot (18), cover (96), bowl (16) and base (12). The Examiner further claims that the patent to Sofy et al. show a base with lips. Therefore the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the base shown by Welzen with the lips as shown by Sofy et al. for a variant of reasons, i.e. aesthetics, for example.

However, with the base in the current invention, the design of the lips are functional, not aesthetic. The lips provide the **function** of capturing any water that may be spilled when the stand assembly is moved to reposition the tree to a different location. There is also a distinct design difference between the earlier Welzen patent and the current invention. The earlier Welzen patent has the cover and bowl as one integral piece. The present invention separates the cover and the bowl, allowing the cover to be removed from the bowl. Additionally, the cover is shown with a downturned flange and the bowl is shown with a complementary downturned flange in the current invention. As previously disclosed, the downturned flange transmits side loads from the cover to the bowl and provides stiffness and stability to the stand assembly.

The Examiner goes on to say that, with regard to Claim 19, Welzen shows the use of guide holes for receiving fasteners (38) with the number of guide holes used being considered a matter of engineering expediency. The guide holes are necessary in all prior tree stands as well as the current invention to position and support the (workpiece) tree. It should be noted that no less than 3 holes (fasteners) would be necessary to provide the optimal support.

As to Claim 21, the Examiner states that Welzen shows a hole (32) allowing the pass(age) of water and that the number of holes used is seen as a matter of expediency. Claim 21 has been deleted and the point is moot. The number

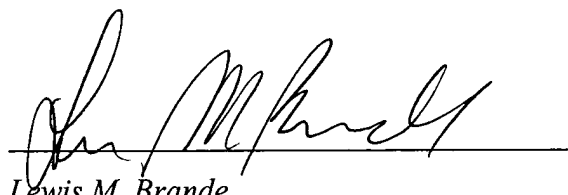
SUMMARY

It is believed that the Examiner's objections have been overcome by the aforementioned amendments to the specification and claims and arguments/explanations made above.

CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested Allowance of claims 23-31 at an early date is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lewis M. Brande", is written over a horizontal line.

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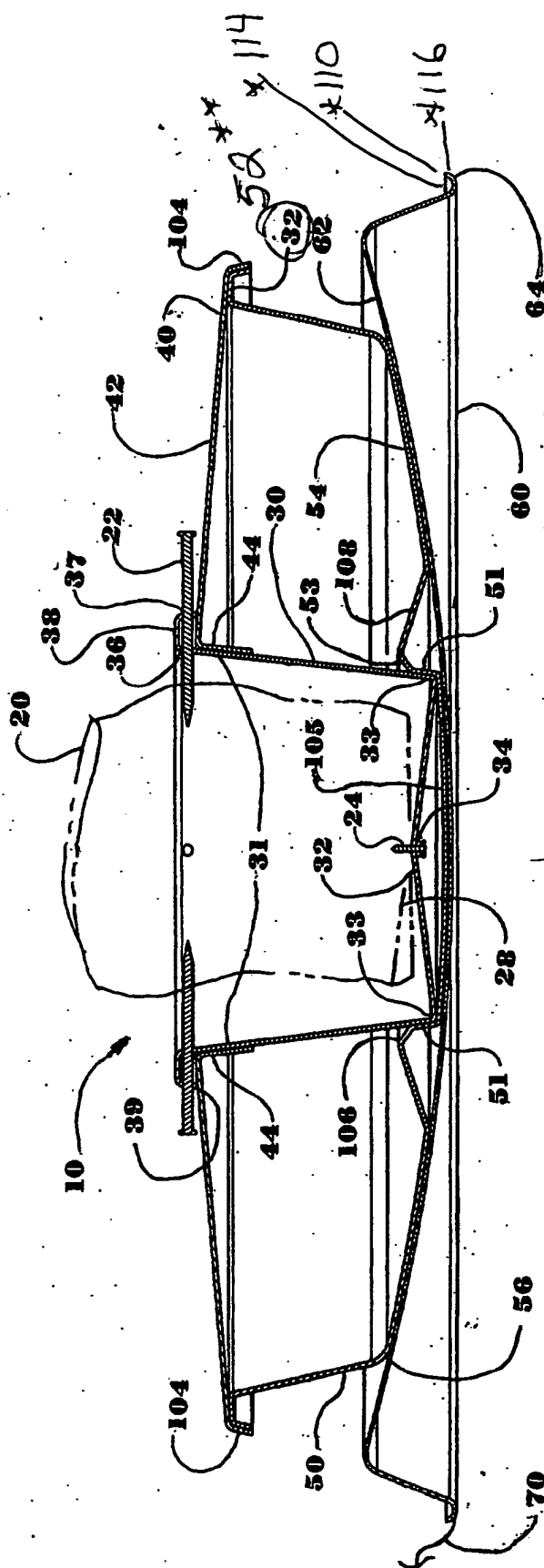


Fig 4

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